

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS**

In re:)	
)	Chapter 11
VERTEX ENERGY, INC., <i>et al.</i> ,)	
)	Case No. 24-90507 (CML)
Debtors.)	(Jointly Administered)
)	
)	

**NOTICE OF LODGING OF PROPOSED CONSENT DECREE
AND ENVIRONMENTAL SETTLEMENT AGREEMENT**

The United States of America, on behalf of the United States Environmental Protection Agency (“EPA”), respectfully lodges with this Court the accompanying proposed Consent Decree and Environmental Settlement Agreement (“Settlement Agreement”) between the United States and Debtors in the above-captioned cases. The proposed Settlement Agreement, if approved, will resolve injunctive relief obligations related to the Debtors’ federal statutory and regulatory compliance obligations under Section 211(o) of the Clean Air Act, 42 U.S.C. § 7545(o) (“CAA”), and the implementing renewable fuel standard regulations issued under the CAA at 40 C.F.R. Part 80, Subpart M (the “RFS Regulations”).

The Debtors filed the Settlement Agreement as First Amended Plan Supplement Exhibit J.¹ Docket No. 540-1. The Debtors are seeking this Court’s approval, pursuant to Federal Rule of Bankruptcy Procedure 9019 in connection with confirmation of the Plan, to enter into the Settlement Agreement with the United States.

Under the proposed Settlement Agreement, the Debtors, and after the Plan Effective Date, the Reorganized Debtors have agreed, *inter alia*, to retire a total of 18,794,250 unexpired valid

¹ Capitalized Terms used but not otherwise defined herein shall have the meanings ascribed to them in the *First Amended Joint Chapter 11 Plan of Vertex Energy, Inc. and its Debtor Affiliates* [Docket No. 425] (as may modified, amended, or supplemented from time to time).

RINs no later than March 31, 2025, in full and final satisfaction of all liability under the CAA and the RFS Regulations for the Debtors' 2023-2024 renewable volume obligations.

The Settlement Agreement will be subject to a public comment period of 10 calendar days following publication of a notice in the Federal Register. If, after reviewing the public comments, the United States concludes that the Settlement Agreement should be entered by this Court, it will seek this Court's final approval of the Settlement Agreement. The settlement reflected in this Settlement Agreement shall be subject to final approval by the Bankruptcy Court following the public comment period and shall be effective upon final approval by the Bankruptcy Court.

The United States respectfully requests that this Court receive the proposed Settlement Agreement for lodging only, and it abstain from acting until the 10-day public comment period has expired and the United States advises the Court whether, after evaluation of any public comments, the United States supports this Court's final approval of the Settlement Agreement.

Dated: December 17, 2024

FOR THE UNITED STATES OF AMERICA:

TODD KIM
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/s/ Kayci G. Hines
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